

REMARKS

I. Amendments

Claims 6, 19 and 22 have been cancelled, claims 2, 14 and 20 have been amended by this amendment.

This amendment adds no new matter to the specification. Support for this amendment is found in the specification and claims as filed.

No change of inventorship is necessitated by this amendment.

II. Discussion of the Restriction Requirement

A restriction requirement has been imposed on the claims. Applicants hereby elect to prosecute the claims of Group I (claims 2-6, 8, 10, 14, 16 and 18-23) with traverse. Applicants note that claim 23 has also been included in Group II, and assume that is so because of the “or” language in the claim.

Applicants assert that prosecution of the claims of Group II jointly with the claims of Group I would not place an undue burden on the Examiner. Specifically, Applicants assert that this application has been pending since 2000, and the previous Examiner did not impose a restriction requirement at any point in the prosecution during the past four years. The aspect of the invention wherein the freeze-drying container was partially or wholly coated with an ice layer or a water-repelling base material was recited in claim 1 as originally filed, yet restriction had not been thought to be necessary in the past. Applicants therefore assert that it is still not necessary now.

III. Discussion of Objected to Claims 6, 19 and 22

Claims 6, 19 and 22 have been listed as objected to by the Examiner. The Examiner has indicated that these dependent claims are patentable over the cited art. To facilitate prosecution, Applicants have incorporated the subject matter of these dependent claims into independent claims 2, 14 and 20 by this amendment. Applicants therefore believe that independent claims 2, 14 and 20 as amended are also patentable over the cited art.

Claims 3-5, 8 and 10 depend upon claim 2, claims 16 and 18 depend upon claim 14 and claim 21 depends upon claim 20. Applicants submit that the more specific dependent claims are also patentable over the cited art.

IV. Conclusion


Reconsideration of the claims and allowance of the claims is requested. Should the Examiner believe that a conference with Applicants' attorney would advance prosecution of this application, he is respectfully requested to call Applicants' attorney at (847) 383-3391.

Respectfully submitted,

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